

December 15, 2020

VIA ELECTRONIC FILING

The Honorable Jocelyn G. Boyd
Chief Clerk and Executive Director
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, SC 29210

**Re: Cherokee County Cogeneration Partners, LLC, Complainant/Petitioner v. Duke Energy Progress, LLC and Duke Energy Carolinas, LLC, Defendant/Respondent
Docket No. 2020-263-E**

Duke Energy Late-Filed Exhibits to December 10, 2020 Oral Argument

Dear Ms. Boyd:

In response to Commissioner questions during the oral argument on December 10, 2020 in the above-referenced docket, please find attached for filing Duke Energy Carolinas, LLC's ("DEC") and Duke Energy Progress, LLC's ("DEP," and together with DEC, "Duke Energy" or the "Companies") Late-Filed Exhibits 1 and 2.

Late-Filed Exhibit 1 is being provided at the request of Commissioner Ervin for the Companies to provide DEC's methodology for calculating the as available energy pricing that will be paid to Complainant Cherokee County Cogeneration Partners, LLC ("Cherokee") upon the termination of the current power purchase agreement. Late-Filed Exhibit 1 has been verified by Mr. Scott Burnside of Duke Energy (and such written verification is included with this filing).

Late-Filed Exhibit 2 was prepared by the Companies at the request of Commissioner Williams. Commissioner Williams requested the Companies provide the Commission with a timeline of events that shows the communications between the Companies and Cherokee. The Companies are filing 21 attachments to Exhibit 2, which are the communications between the Companies and Cherokee, as summarized in the timeline contained in Late-Filed Exhibit 2. Late-Filed Exhibit 2 has been verified by Mr. Michael Keen of Duke Energy (and such written verification is included with this filing).

Attachments 5, 13, 15 and 18 to Late-Filed Exhibit 2 contain information that is subject to a Confidentiality Agreement entered into between the Companies and Cherokee on October 11, 2018. This information contains commercially sensitive information belonging to both parties, which each party intended to be protected under the Confidentiality Agreement. Therefore, the Companies respectfully request that the Commission find that pursuant to S.C. Code Ann. Regs. 103-804(S)(2) and S.C. Code Ann. § 30-4-40(a)(1), the confidential information in these

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attachments is exempt from disclosure under the Freedom of Information Act, S.C. Code Ann. §§ 30-4-10 *et seq.*

The Companies respectfully request permission to file the confidential versions of these attachments under seal and that they be maintained as confidential pursuant to Order No. 2005-226. The Companies are filing redacted versions of the attachments that protect from disclosure the confidential information, while making available for public viewing non-protected information. Additionally, we are hand delivering confidential versions of the attachments to the Commission and providing an electronic copy to the Office of Regulatory Staff.

The Companies appreciate the opportunity to provide this additional information to the Commission for its consideration.

Sincerely,



Rebecca J. Dulin
*Counsel to Duke Energy Carolinas, LLC and Duke
Energy Progress, LLC*

Attachments

C: Parties of Record (via email with attachments)